

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DAVID KUEHN,

Plaintiff,

v.

DR. AMELIA HAYGOOD, CAROL  
ROSENBERGER, AND DELOS  
INTERNATIONAL, INC.,

Defendants.

CIVIL ACTION No. 05-10574 (RGS)

**DEFENDANTS' MOTION TO DISMISS OR TRANSFER VENUE**

Pursuant to Fed. R. Civ.P.12(b)(2), Defendants Amelia Haygood, Carol Rosenberger, and Delos International, Inc. hereby move and respectfully request this Court to dismiss this case for lack of personal jurisdiction. As discussed in detail in Defendants' Memorandum in Support of Motion to Dismiss or Transfer Venue and accompanying affidavits, attached herewith, this case should be dismissed because the defendants are not subject to personal jurisdiction under Mass. Gen. Laws. ch. 223A, § 3(a). Moreover, the exercise of personal jurisdiction over the defendants would not comport with due process. If the Court determines that the defendants are subject to personal jurisdiction, the defendants move this Court pursuant to 28 U.S.C. § 1406(a) and Fed. Rule Civ. P. 12(b)(3) to either dismiss this case for improper venue or, in the alternative, transfer this case to the United States District Court for the Central District of California.

**REQUEST FOR ORAL ARGUMENT**

Defendants Amelia Haygood, Carol Rosenberger, and Delos International, Inc. request that the Court hold oral argument on this matter.

Respectfully submitted,

**AMELIA STONE HAYGOOD**

**CAROL ROSENBERGER**

**DELOS INTERNATIONAL, INC.**

By their attorneys,

/s/ John E. Duke

Jonathan A. Keselenko

BBO #559604

John. E. Duke

BBO #658755

FOLEY HOAG LLP

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(617) 832-1000

Dated: May 13, 2005

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**CERTIFICATION OF CONFERENCE**

I, John E. Duke, certify that I met, by telephone, with Attorney Eugene R. Curry, counsel for Plaintiff David Kuehn, on May 13, 2005 and sought consent to the dismissal or transfer of this action.

Respectfully submitted,

/s/ John E. Duke

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